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FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

JAN 21 2003

OFFICE OF
MANAGING DIRECTOR

Ms. Jennifer Wagner
Fletcher, Heald & Hildreth, P.L.C.
11th Floor, 1300 North 17th Street
Arlington, VA 22209

Re: Request for Waiver of Regulatory Fees
Fee Control No. 00000RROG-03-053

Dear Ms. Wagner:

This is in response to your September 25, 2002 request for waiver of the Fiscal Year 2002 (FY 2002) regulatory fees for translator stations K09AK and K48AX, Eagle Nest and Rural, New Mexico; K35BZ, Eagle Nest, New Mexico; K20G0, Eagle Nest/Angel Fire, New Mexico; and FM Translator K236AK, Eagle Nest, New Mexico F11MM. All of these translators are licensed to Eagle Nest TV Association (Eagle Nest). You state that Eagle Nest is a nonprofit corporation, and that its translator stations are not licensed to, in whole or in part, and do not have common ownership with, the licensee of a commercial broadcast station. You also state that Eagle Nest's translator stations do not derive income from advertising, and are dependent on subscriptions or contributions from members of the community served for support.

In implementing the regulatory fee program, the Commission stated that it would waive its regulatory fees for any community-based translator station that:

(1) is not licensed to, in whole or in part, and does not have common ownership with, the licensee of a commercial broadcast station; (2) does not derive income from advertising; and (3) is dependent on subscriptions or contributions from members of the community served for support.

Implementation of Section 9 of the Communications Act, Memorandum Opinion and Order, 10 FCC Rcd 10,891, para. 16 (1995). Based upon the statements contained in your request, it appears that Eagle Nest has the type of translator operations for which the Commission proposed to grant relief from the regulatory fee obligation. Under the circumstances, we will therefore waive the regulatory fees for Eagle Nest's translator stations for FY 2002.

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You should note that Eagle Nest is under a continuing obligation to report to the Commission any changes that could affect its qualification for this fee exemption. You should retain this letter, and a copy should be included in any correspondence with the Commission concerning the regulatory fees for your translator service. If you have any questions concerning the regulatory fees, please call the Revenue & Receivables Operation Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger", written over a horizontal line.

Mark A. Reger
Chief Financial Officer